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RUEHBY/AMEMBASSY CANBERRA 8166  
RUEHUL/AMEMBASSY SEOUL 4123  
RUEHKO/AMEMBASSY TOKYO 0255  
RUEHWL/AMEMBASSY WELLINGTON 2088  
RUEHCHI/AMCONSUL CHIANG MAI 4621  
RHHMUNA/CDR USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC  
RUEKJCS/SECDEF WASHINGTON DC  
RUEAIIA/CIA WASHINGTON DC  
RHEFDIA/DIA WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 006294

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TAGS: [PGOV](#) [PHUM](#) [PINR](#) [PREL](#) [PTER](#) [TH](#)  
SUBJECT: SOUTHERN THAILAND AND THE SYSTEM OF JUSTICE

REF: A. BANGKOK 05882 (SOUTHERN DETAINEES RETURN HOME)

- [1](#)B. BANGKOK 05696 (NEW COMMANDER PLEDGES TO KEEP  
ARMY OUT OF POLITICS)
- [1](#)C. BANGKOK 05647 (COURTS FREE SOUTHERN THAILAND  
DETAINEES)
- [1](#)D. BANGKOK 05593 (THAI ARMY BARS SOUTHERN DETAINEES  
FROM RETURNING HOME)

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Classified By: Charge d'Affaires, a.i. James F. Entwistle, reason 1.4 (b,d).

[1](#)1. (C) Summary: The Thai government's effort to quell the insurgency in the south through the administration of justice is abysmal. Since 2004, it has successfully prosecuted only a handful of cases while the security forces maintain they are aware of thousands of suspects. Corrupt police and a dysfunctional system of justice in southern Thailand are drivers behind support for the insurgency. Military tactics can provide security up to a point, but unless the Thai government can summon the political will to move beyond suppressing the violence to the administration of justice, southern Thailand will remain engulfed in a low intensity conflict for some time to come, with all sides looking for justice outside the court system. End summary.

[1](#)2. (C) Thailand's efforts to quell the fire in its southern three provinces continue to revolve around the suppression of violence, with little effort made to resolve questions of social justice. The latest example of this was the arrest on December 18 of the Secretary of the Thai Muslim Students Network. Royal Thai police contacts tell us he was arrested under the Emergency Decree, on a warrant dated October 5, [1](#)2006. NGO contacts believe, however, the arrest was a reprisal for his being associated with a large protest in front of the Pattani Central Mosque between May 31 and June 4, 2007. At the time of his arrest, he had not been charged with any crime. In other indications that the government is not focused on prosecutions, in late December 2007 leaflets appeared in southern Thailand accusing security forces of assassinating specific individuals, and claiming bombings and assassinations by the militants were reprisals for these

killings. On a recent trip to Narathiwat by Poloff, local teachers described violence perpetrated against them as reprisals by militants for the assassination and disappearances of Muslims. Although they have presented no proof, NGO and human rights contacts believe there is truth to these allegations.

13. (C) In an effort to understand what is happening in the system of justice in southern Thailand, in late November Poloff traveled to Pattani and met with a public prosecutor. We met the prosecutor in his office, which was little more than a small storage room piled high with bulging, ragged files and filing cabinets. Apart from a television and a telephone, there was no information technology apparent.

14. (SBU) According to the prosecutor's figures, through to the end of November this year, in Pattani province, police have referred seven cases involving the insurgency to the prosecutors' office for consideration for prosecution. (By comparison, the same prosecutors have received over 900 drug related cases in the same period of time.) Of these seven, one case has been dismissed, and 6 have gone to court and are in various stages of being prosecuted. He said arrest warrants have been issued in another 2 cases, but there are also 259 more still under police investigation with no confessions or evidence, and little hope for prosecution. Last year in Pattani, out of 21 cases referred for prosecution, 20 went to court and one case was dismissed. Out of the 20, four have resulted in convictions, and 16 are still in the system. Breaking his statistics down further, the 4 cases involved 13 total defendants. One person was convicted for putting spikes on a road, one was convicted of possession of a weapon, and 11 were sent to prison for colluding with terrorists. When pressed about the colluding case, the prosecutor said the suspects were implicated in a beheading, but there was not enough evidence to support a heavier charge.

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15. (SBU) The small proportion of cases that are sent to court in Pattani reflects the larger picture in southern Thailand. According to our contacts at the Working Group on Justice for Peace (WGJP), a human rights NGO, out of some 4560 security related cases under investigation since 2004, there are no suspects for 4056 of them and only 66 cases have been adjudicated by the courts. Of these, 20 were dismissed, and 46 have resulted in convictions -- ten resulted in death sentences, 15 life imprisonment, and 21 imprisonment terms up to 50 years. Despite the paltry number of cases being prosecuted and the huge number of cases with no suspects or witnesses, our WGJP contacts tell us the security forces contend they have identified over 8000 members of militant movements.

16. (SBU) The wheels of justice in Pattani turn extremely slowly. Our ministry of justice contacts tells us it takes nearly a year for a case to get through the judicial system because there simply are not enough judges or public prosecutors to go around. For Pattani, there are only 12 judges and each hearing needs a quorum of two. In addition, there are only five public prosecutors.

17. (C) Beyond the systemic deficiencies in the judicial system in the south, the nature of the conflict prevents successful prosecutions as well. According to the prosecutor, he and his colleagues will only bring a case to court if they have very clear evidence to support their case. Under martial law and the Emergency Decree, the military is empowered to arrest and detain people, but they are not empowered to do investigations. When the army interrogates someone, the information is used for intelligence purposes and does not count as evidence. Police can't find witnesses because the militants are too well organized. The militants have people running surveillance and planning get-away routes, and very seldom does any one individual involved in

an attack know the extent of an entire operation. When there are witnesses, they are reluctant to cooperate because the expense of travel to court and the loss of work during court proceedings are real hardships, not to mention the fear of reprisal. It is not surprising that witnesses are few and far between, he said.

18. (C) Comment: One of the core issues underpinning support for the militants in southern Thailand is a perception among southern Thai Muslims that the Thai system of justice does not treat them fairly. Under martial law and the Emergency Decree they are arrested and detained often without warrant or trial, and their right of habeas corpus is suspended for up to 37 days. Security forces and public officials appear to operate with impunity and the administrative structures reestablished to assist local people in lodging grievances, such as the Southern Border Provinces Administrative Center (SBAC), operate as an instrument of the security forces. The Thai government must move beyond mere detention of suspected militants and begin to prosecute and convict perpetrators of the violence in the deep south, using evidence and transparent legal proceedings. While prosecuting those using terror tactics is always difficult, the lack of a functioning judicial system in the south is fueling the spiral of conflict.  
ENTWISTLE